IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

NOTICE OF MOTION NO.2439 OF 2006
IN
APPEAL NO.409 OF 2006
IN
SUMMONS FOR JUDGMENT NO.1203 OF 1999
IN
SUMMARY SUIT NO.3297 OF 1999

M/s. Kamal & Company .. Appellant
v/s.
Antwerpse Diamant Bank N.V. .. Respondent

Mr. H.J. Thakkar, senior counsel with Mr. U.J. Makhija and Mr. Bipin Joshi for the Appellant.

Mr. P.K. Samdani, senior counsel with Mr. Simil Purohit i/by M/s. Udwadia & Udeshi for the respondent.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 12TH SEPTEMBER, 2006.

P.C.

Heard.

2. Subject to the appellant depositing the entire decretal amount in this court within eight weeks from today, the execution of the impugned judgment and order shall remain stayed.

3. The respondent shall be at liberty to withdraw the said amount on furnishing bank guarantee to remain operative until the

disposal of appeal from any nationalised bank to the satisfaction of the Prothonotary & Senior Master of this court.

4. In case the appeal is allowed, the respondent shall bring back the amount so withdrawn alongwith interest as may be directed in the judgment in the appeal.

5. In case the respondent fails to furnish the security as aforedirected within four weeks from the date of intimation of the aforesaid deposit, the Prothonotary & Senior Master is directed to invest the said amount in the fixed deposit of any nationalised bank initially for a period of three years, renewable thereafter for the same period each time until disposal of the appeal.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)